

Application No. 10/806,052  
May 23, 2005  
Page 5

P910146CIP

### REMARKS

Claim 1 has been amended, and claims 17-31 have been cancelled. Claims 1-16 are presently pending in the application.

The Office Action rejected claims 1-16 on prior art. Regarding these rejections, claims 1-3, 5, 6, 15 and 16 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Keller et al. (U.S. Patent No. 5,985,719), and claim 4 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Keller et al. in view of Kokubu (U.S. Patent No. 6,200,858). Claims 7 and 10 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Keller et al., and claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Keller et al. in view of Tay et al. (U.S. Publication No. US2002/0009900). Moreover, claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Keller et al. in view of Tay et al., and further in view of Ma et al. (U.S. Patent No. 6,207,586), and claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Keller et al. in view of Gill (U.S. Patent No. 5,420,060). Applicants respectfully traverse these rejections.

Regarding the rejection of independent claim 1 as being anticipated by Keller et al., it is known that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added; Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Thus, for a rejection under 35 U.S.C. 102(b) to be proper, every limitation recited in a claim, which is rejected as being anticipated by a prior-art reference, must be clearly disclosed in that single prior-art reference. In the instant case, Applicants respectfully submit that the cited Keller et al. reference does not disclose each and every element of rejected claim 1, and, therefore, the cited Keller et al. reference does not anticipate the presently pending claims under 35 U.S.C. § 102(b).

Application No. 10/806,052  
May 23, 2005  
Page 6

P910146CIP

More particularly, applying the above standard, Keller et al. does not disclose a method for forming a memory device including, among other things, "providing a stacked structure on a substrate, the stacked structure comprising a first dielectric, a floating gate, a second dielectric, and a control gate; forming a liner dielectric layer, which extends in a direction transverse to a bit line direction and substantially parallel to the control gate, on sidewalls of the stacked structure; and forming a barrier layer on at least part of the liner dielectric layer," as recited in independent, amended claim 1.

Regarding, for instance, the second paragraph of the body of Applicants' claim 1, contrary to the alleged disclosure of Keller et al., Applicants' claim limitations include, among other things, a liner dielectric extending in a direction transverse to a bit line direction.

Applicants' specification discloses, for example, "FIG. 1 [as] a plan view of an example of a memory device having ... bit lines that coincide with source and drain regions 20 ... in columns of the memory array ... [and] word lines coinciding with control gates 18 ... in rows of the memory array," and further discloses with reference to the B-B' (cf. Applicants' FIG. 1) cross-sectional views of FIGS. 3-6 "a liner dielectric layer 22 ... formed on sidewalls which extend in a direction parallel to the control gate and which face substantially in the direction of the bit lines...." Accordingly, Applicants' claimed liner dielectric, and subsequently formed barrier layer, clearly extend in a word line direction that is transverse to the bit line direction.

As distinguished from this B-B' cross-sectional structure, the structure of Keller et al. is disclosed with reference to a transversely-defined A-A' direction of Applicants' FIG. 1. In particular, the layers 42 and 44 of Keller et al. are shown with reference to the A-A' direction as defined in FIG. 1 of Applicants specification. Further, as distinguished from Applicants' figures depicting liner and barrier layers wherein the bit lines run parallel to the plane of the paper, FIGS. 3-7 of Keller et al. depict the bit lines extending into the paper (i.e., at right

Application No. 10/806,052  
May 23, 2005  
Page 7

P910146CIP

angles to Applicants' depicted bit lines). Accordingly, as can be deduced from the viewpoints of the figures and from the associated text, the layers 42 and 44 of Keller et al. clearly extend in a direction that is parallel, rather than perpendicular, to the bit line direction, so that the recitations in, as just one example, the second paragraph of the body of Applicants' claim 1 are not anticipated by Keller et al.

Thus, it is respectfully submitted that the rejection of claim 1 is without basis. Applicants further submit that the remaining claims 2-16 distinguish over the prior art of record at least because of their dependencies on claim 1. Accordingly, independent claim 1 and dependent claims 2-16 patentably distinguish over the prior art of record.

Regarding the above-mentioned prior-art rejections, Applicants would like to thank Examiner Richard A. Booth for the oral correspondence conducted with Applicants' representative, Kenton R. Mullins, on May 23, 2005, at which time it was indicated by Examiner Booth that, subject to his review of the cited references, independent claim 1 would appear to distinguish over the cited prior art of record. Examiner Booth, however, reserved the right to conduct a review of the application, the outstanding rejections and the cited prior art, and, furthermore, to conduct an update search, before committing to any position and before agreeing absolutely to withdraw any of the present prior-art rejections. Applicants respectfully request that such review be conducted and that, following completion of the review, the outstanding rejections of record under 35 U.S.C. 102 and 103 be reconsidered and withdrawn.

Application No. 10/806,052  
May 23, 2005  
Page 8

P910146CIP

In view of the above, Applicants submit that the application is now in condition for allowancc, and an early indication of the same is requested. The Examiner is invited to contact the undersigned with any questions.

Respectfully submitted,



Kenton R. Mullins  
Attorney for Applicants  
Registration No. 36,331

STOUT, UXA, BUYAN & MULLINS, LLP  
4 Venture, Suite 300  
Irvine, CA 92618  
Tel: 949-450-1750  
Fax: 949-450-1764